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09/770,424	01/26/2001	Whang Kwee Tan	TD08/14	7049

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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/770,424

Applicant(s)
Whang Kwee Tan

Examiner
Mark Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 26, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9302 (Official) and (703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "80A" has been used to designate both "openings" and a "fold line". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "70B" has been used to designate: an "opening"; "glue lines"; and "vertical slots". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference "870D" as stated on page 11, is not shown in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: References "84B" and "80B" are not stated in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claim Objections

5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 8 and 9 have been renumbered to properly state Claims 8 and 9.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4, 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In Claim 1, the phrase "like image documents" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby

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rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Furthermore, it is not understood what is meant by “the a plurality of recesses” in line 17.

8. Claim 4 recites the limitations: "the exterior cover sheets" in line 1; and “the interior support” in line 3. There is insufficient antecedent basis for these limitations in the claim.

9. Claim 6 recites the limitation "the interior face" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 7 recites the limitations: "the central axis" in lines 5; and “the interior support” in line 6. There is insufficient antecedent basis for these limitations in the claim.

11. Claim 8 recites the limitations: "the cover sheets" in line 2 and 4; “the center folds” in line 3; and “the pockets” in line 5. There is insufficient antecedent basis for these limitations in the claim.

12. Claim 9 recites the limitations: "the cover sheets" in line 2 and 3; “the pockets” in lines 3 and 4. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Beleckis et al (4,426,007).

Beleckis et al discloses in Fig. 1 and 7, an album system comprising a spine (14) having fixed retainers (39 and 40) having a plurality of retaining fingers (A) with a plurality of cylindrical posts (30) received in the spine, a plurality of flexible pages (11), wherein the post couple the pages to the spine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the retainer to be removable and separate, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

14. Claim 4, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Beleckis et al in view of Manico et al (5,791,692).

Beleckis discloses an album system comprising all the elements as claimed in Claim 2, and as set forth above. However, Beleckis et al does not disclose exterior cover sheets of a page set adhered to an interior support by glue along three edges.

Manico et al discloses in Fig. 5, 6 and 8, exterior cover sheets (30) of a page set (36 and 38) adhered to an interior support (50) by glue.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beleckis et al's album system by replacing the coupled page with a cover sheet adhered to an interior support as taught by Manico et al for the purpose of providing a unitary dual sided leaf having a first and second side to avoid the chance that images could be lost due to the failure of the adhesive.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the adhesive at any desirable location, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

15. Claims 8 and 9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Beleckis et al in view of Ruebens (6,253,475).

Beleckis et al discloses an album system comprising all the elements as claimed in Claim 2, and as set forth above. However, Beleckis et al does not disclose wherein the cover sheets and supplemental sheets are coupled by glue with passageways (slots) adjacent to a center fold of the cover sheet for the passage of photographs.

Ruebens discloses cover sheets (22) and supplemental sheets (20) are coupled by glue (Col. 3, lines 54-60) with passageways/slots (A) for the passage of photographs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beleckis et al's album system to include a page consist of a slots/passageways to allow for the removal of recording media without destroying the page.

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In regards to Claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the cover sheet in one piece with a fold line, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the passageways/slots at any desirable location, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Allowable Subject Matter

16. Claim 5 is allowed.

17. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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18. Claims 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses or teaches an album system comprising: a spine, a pair of side walls each with a top end, a bottom end, an interior and exterior edge, a top panel, a parallel bottom panel, wherein the two walls and two panels are in a rectilinear configuration with an open planar face; the top panel having a fixed retainer portion, the side walls each having an internal lateral groove at the bottom end thereof adjacent to the bottom panel; a removable retainer having an exterior face and plurality of internal retaining fingers, wherein the removable retainer is adapted to slidably couple in the groove of the spine and hold cylindrical posts in an equally spaced configuration; a plurality of pages defined by a plurality of signatures, wherein each signature is defined by a page set, and each page set consists of an interior support having a central fold and is apart of exterior cover sheets being folded around the outer edge of the interior support sheets with each cover sheet having a central fold defining an outer bend, and wherein the cover sheets are adhered to the interior support sheets to form pockets; and including all of the other limitations of the independent claim.

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Prior Art References

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Tan ('041), Whittlef, King, Van Pinkerton, Jr., Tan ('696), Zitzelberger et al, Tan ('657), Tan ('663), Shepherd et al, Manico et al ('061), Manico et al ('502), UK Patent 1,184,884, and FR-2,636,009 disclose an album system. Holson, Matteau et al, Wihlke, Fu, Nakaji, and Mochizuki disclose album pages.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

May 6, 2002



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